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Judge Franklin D. Burgess

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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UNITED STATES OF AMERICA,

)

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Plaintiff,

)

NO. CR06-5599FDB

7

vs.

)

ORDER CONTINUING THE  
TRIAL DATE AND SETTING  
A NEW PRE-TRIAL  
CONFERENCE DATE

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EDWARD WOODRUFF,

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Defendant.

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12 .. Before this court is a stipulated motion for a continuance of the due date  
13 of the pre-trial motions and the trial, which is set for February 20, 2007. Defendant,  
14 Edward Woodruff, has filed a Motion to Suppress Evidence and the Government needs  
15 additional time to respond to that motion. Additionally, counsel for the Government and  
16 the defense have represented to the Court that they need additional time to determine  
17 whether the defendant qualifies as a “career offender” under the United States Sentencing  
18 Guidelines.

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Defendant is in custody. Further, the defendant is aware of this motion,  
and has no objection to a continuance, and join in this motion. Defendants shall file a  
waiver of speedy trial through April 30, 2007.

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That the court finds, based upon the facts set forth in the stipulated  
motion, which are hereby adopted as findings of fact and incorporated herein by  
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AGREED ORDER CONTINUING DUE DATE  
FOR PRE-TRIAL MOTIONS CUTOFF,  
PRE-TRIAL CONFERENCE & TRIAL DATE - 1

LAW OFFICES OF  
**MICHAEL SCHWARTZ, INC.**  
524 TACOMA AVENUE SOUTH  
TACOMA, WASHINGTON 98402  
(253) 272-7161

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2 reference, and, after a consideration of all relevant information and the circumstances of  
3 this case, that without this continuance the defendants will be prejudiced and the ability  
4 to properly prepare for trial would be impaired. Failure to grant a continuance under  
5 these circumstances would result in a miscarriage of justice. The ends of justice would  
6 best be served by the granting of the motion for continuance to ensure continuity of  
7 counsel and adequate trial preparation. The ends of justice outweigh the best interests of  
8 the public and the defendants in having the matter brought to trial sooner.

9 For these reasons, the court finds the defendant's motion for a trial  
10 continuance should be granted.

11 The trial brief, proposed jury instructions, witness list, any written  
12 stipulations, proposed verdict forms and motions in limine shall be submitted by March  
13 29, 2007.

14 The pre-trial conference scheduled for February 9, 2007 is VACATED.  
15 Pre-trial conference hearing shall be SCHEDULED FOR April 6, 2007 at 9:30 a.m. in  
16 Tacoma, Washington.

17 The trial date scheduled for February 20, 2007 is VACATED. Trial shall  
18 be RESCHEDULED TO April 16, 2007 at 9:00 a.m. in Tacoma, Washington.

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AGREED ORDER CONTINUING DUE DATE  
FOR PRE-TRIAL MOTIONS CUTOFF,  
PRE-TRIAL CONFERENCE & TRIAL DATE - 2

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The period of delay resulting from this continuance from the current trial  
date of February 20, 2007, up to and including the new trial date of April 16, 2007 is  
hereby excluded for speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for  
purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §  
3161-3174.

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IT IS SO ORDERED.

DONE this 8<sup>th</sup> day of February, 2007.



FRANKLIN D. BURGESS

UNITED STATES DISTRICT JUDGE

Presented by:

LAW OFFICES OF MICHAEL E. SCHWARTZ, INC.

Attorney for Edward Woodruff

By: /s/

Michael Schwartz, WSBA #21824

Approved by:

UNITED STATES ATTORNEY'S OFFICE

By: APPROVED TELEPHONICALLY

Kent Liu

Assistant United States Attorney

AGREED ORDER CONTINUING DUE DATE  
FOR PRE-TRIAL MOTIONS CUTOFF,  
PRE-TRIAL CONFERENCE & TRIAL DATE - 3

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